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ICC INCOTERMS 2000

Report of the Secretary-General

1. By letter of 28 February 2000 (reproduced in annex I), the Secretary-General of the International Chamber of Commerce (ICC) requested the Commission to consider endorsing Incoterms 2000 for world-wide use. This report gives the background to the previous actions of the Commission in respect of Incoterms 1953 and Incoterms 1990 and a short summary of the reasons for the preparation of the current revision. The original English text of Incoterms 2000 is reproduced in annex II to this document. Translations into Arabic, Chinese, French, Spanish or Russian are reproduced in annex II to the respective language versions of this document.

2. At the Commission's first session in 1968, in deciding on its programme of work, the Commission identified Incoterms 1953 as an international instrument of special importance with regard to the harmonization and unification of the law of the international sale of goods. 1/ At its second session in 1969, with a view to encouraging the world-wide use of Incoterms 1953, the Commission, requested the Secretary-General to inform the ICC that Incoterms 1953 should be given the widest possible dissemination and to bring the views of the Commission to the attention of the United Nations regional economic commissions. 2/

3. Amendments to Incoterms were made and additional terms were added in 1976 and 1980. However, those changes in Incoterms were not officially brought to the attention of the Commission and the

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1/ Report of the United Nations Commission on International Trade Law on the work of its first session, Official Records of the General Assembly, Twenty-third Session, Supplement No. 16 (A/7216), para. 48.

2/ Report of the United Nations Commission on International Trade Law on the work of its second session, Official Records of the General Assembly, Twenty-fourth Session, Supplement No. 16 (A/7218), para. 60.

Commission took no action leading towards endorsing the revision. By the late 1980's ICC decided to completely revise Incoterms 1953 in order to adapt them to contemporary commercial practice. Incoterms 1990 was adopted by the ICC with a date of entry into force on 1 July 1990 and became available as ICC publication no. 460.

4. At its twenty-fifth session in 1992, the Commission considered a request of the Acting Secretary-General of the ICC to endorse Incoterms 1990 for world-wide use. At that session, the Commission was agreed that Incoterms 1990 succeeded in providing a modern set of international rules for the interpretation of the most commonly used trade terms in international trade and took the following decision endorsing Incoterms 1990:

> "The United Nations Commission on International Trade Law,
>
> Expressing its appreciation to the International Chamber of Commerce for having transmitted to it the revised text of Incoterms, which was approved by the Commercial Practices Commission of the International Chamber of Commerce and entered into force on 1 July 1990, and for requesting the Commission to consider endorsing Incoterms 1990 for worldwide use,
>
> Congratulating the International Chamber of Commerce on having made a further contribution to the facilitation of international trade by revising Inocterms to take account of changes in transportation techniques and to adapt the terms to the increasing use of electronic data interchange,
>
> Noting that Incoterms constitute a valuable contribution to the facilitation of international trade,
>
> Commends the use of Incoterms 1990 in international sales transactions." 3/

5. With regard to the reasons for the preparation of Incoterms 2000, the Foreword to Incoterms 2000 states:

> "Since the creation of Incoterms by ICC in 1936, this undisputed world-wide contractual standard has been regularly updated to keep pace with the development of international trade. Incoterms 2000 take account of the recent spread of customs-free zones, the increased use of electronic communications in business transactions, and changes in transport practices. Incoterms 2000 offer a simpler and clearer presentation of the 13 definitions, all of which have been revised."

6. Incoterms 2000 has been adopted by the ICC with a date of entry into force on 1 January 2000. It is available from ICC as publication no. 560.

ANNEX I

3/ Report of the United Nations Commission on International Trade Law on the work of its twenty-fifth session, Official Records of the General Assembly, Forty-seventh Session, (Supplement No.17(A/47/17), paras. 160 and 161.

Letter of Ms Maria Livanos Cattaui, Secretary General of the
International Chamber of Commerce

I am writing to request endorsement of Incoterms 2000 - the ICC official rules for the interpretation of trade terms – by the United Nations Commission on International Trade Law.

Incoterms 2000 have been released in September 1999 under ICC publication reference number 560 and have entered into force on 1 January 2000.

Incoterms 2000 are already used in countless commercial sales contracts. Incoterms are contractual terms, the incorporation of which in sales contracts usefully complements the provisions of the United Nations Convention on Contracts for the International Sale of Goods and reduces the risk of misunderstanding that could lead to legal complications.

This text of Incoterms 2000 is the result of a very comprehensive consultation process – in fact, Incoterms 2000 are based on the largest survey among business ever conducted in the history of Incoterms. We are therefore confident that the 13 new Incoterms reflect common commercial practice and respond to a business need for a global standard for the interpretation of trade terms.

Although the only authoritative text of Incoterms 2000 is the English one, ICC has decided to submit Incoterms 2000 to UNCITRAL in the six UN official languages. Please note, however, that in case of discrepancies between the various texts, only the English text should be considered as original, all other texts being translations.

ICC trusts that UNCITRAL will appreciate the effort made by ICC to facilitate international trade and to involve all interested parties in the dissemination of legal rules that have proven to reflect the needs of modern commercial transactions. As such, we hope that UNCITRAL will respond favourably to this formal request for endorsement of Incoterms 2000.

Therefore, as with the previous version of this authoritative legal standard, ICC would like to request formal endorsement of Incoterms by UNCITRAL.

ANNEX II

ICC INCOTERMS 2000

Entry into force 1 January 2000

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